

Chapter 2 ADMINISTRATION*

***Cross reference(s)**--Administration and enforcement of dangerous building regulations, § 10-81 et seq.; administration and enforcement of property maintenance code, § 10-301 et seq.; community development, ch. 18; law enforcement, ch. 46; offenses involving public authority, § 54-211 et seq.; personnel, ch. 62; planning, ch. 66; taxation, ch. 82; utilities, ch. 94; administrative organization for sewer use requirements, § 94-306 et seq.

ARTICLE I. IN GENERAL

Secs. 2-1--2-30. Reserved.

ARTICLE II. CITY COMMISSION*

***Charter reference(s)**--City commission, ch. IV.

Secs. 2-31--2-60. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES*

***Charter reference(s)**--City officers, ch. III; administrative service, ch. V.

Cross reference(s)--Any ordinance providing for the duties of any city officers or employees not codified in this Code saved from repeal, § 1-11(a)(7); any ordinance providing for salaries or other employee benefits saved from repeal, § 1-11(a)(8); personnel, ch. 62.

Sec. 2-61. Enforcement personnel; appearance tickets for misdemeanors and civil infractions.

- (a) *Police and peace officer authority.* Police officers and peace officers shall have authority to issue notices of violation, citations and appearance tickets for civil infractions and misdemeanors under city ordinances.
- (b) *Authority to issue civil infraction notices and citations.* Those persons designated as "authorized city officials" in section 2-201 shall have the power to issue notices of violations and citations for municipal civil infractions.
- (c) *Authority to issue appearance tickets or citations for misdemeanors.* Pursuant to section 9c(2) of the Code of Criminal Procedure (MCL 764.9c(2)), the following public servants are specially authorized by this section to issue and serve citations or appearance tickets with respect to the misdemeanors set forth in this

section upon persons whom they have reasonable cause to believe have committed offenses: Park rangers may issue misdemeanor appearance tickets where applicable for the following violations of ordinances or rules or successor ordinances or rules when they occur in city parks:

- (1) Code section 54-1, illegal occupation or business.
- (2) Code section 54-2, loitering where illegal occupation or business is conducted.
- (3) Code section 54-36, failure to pay fare of vehicle for hire.
- (4) Code section 54-64, assault, battery, breach of peace.
- (5) Code section 54-91, public intoxication.
- (6) Code section 54-93, window peeping.
- (7) Code section 54-94, jostling others.
- (8) Code section 54-95, fighting in public.
- (9) Code section 54-96, prowling.
- (10) Code section 54-97, loitering.
- (11) Code section 54-100, public obscenity.
- (12) Code section 54-142(a), solicitation of prostitution.
- (13) Code section 54-143(a), loitering in a place of prostitution.
- (14) Code section 54-242, use or possession of tobacco products by minors in public.
- (15) Code section 54-264, underage person in possession of alcoholic beverages.
- (16) Violation of park rules when the violation constitutes a misdemeanor.

(Ord. No. 1177, § 1, 10-27-1998)

Secs. 2-62--2-90. Reserved.

ARTICLE IV. DEPARTMENTS*

***Charter reference(s)**--Administrative services, ch. V.

Cross reference(s)--Department of cemeteries, § 14-61 et seq.; fire department, § 30-31 et seq.; police department, § 46-31 et seq.; department of leisure services, § 58-31 et seq.; department of public utilities, § 94-31 et seq.

DIVISION 1. GENERALLY

Secs. 2-91--2-105. Reserved.

DIVISION 2. DEPARTMENT OF ADMINISTRATION

Sec. 2-106. Established.

There is hereby established a department of administration, the functions of which shall be inclusive of, but not limited to, administration, control and supervision of all city forces as a direct extension of the city manager's office.

(Code 1975, § 2-37)

Charter reference(s)--Authority to create departments, ch. V, § 5.

Sec. 2-107. Assistant city manager; appointment, responsibility.

The city manager shall appoint, subject to the advice and consent of the city commission, a qualified person to be the assistant city manager who shall be responsible for carrying out the functions of this department and any directives of the city manager in connection herewith.

(Code 1975, § 2-38)

Sec. 2-108. Construction of division.

No provision in this division shall be construed as conflicting with the regular functions of any department of the city heretofore established by ordinance.

(Code 1975, § 2-40)

Secs. 2-109--2-125. Reserved.

DIVISION 3. DEPARTMENT OF PUBLIC WORKS*

***Charter reference(s)**--Department of public works established, ch. V, § 2.

Sec. 2-126. City manager to be executive officer; appointment of director.

The city manager shall be the executive officer of the department of public works. The city manager shall appoint a director of public works, who may also be the city engineer, who shall be responsible to the city manager for the management and operation of the department.

(Code 1975, § 2-71)

Charter reference(s)--City manager to appoint department directors, ch. III, § 2.

Sec. 2-127. Appointment of assistants and other employees.

The director of public works may appoint, with the consent and approval of the city manager, an assistant director of public works, an assistant director of equipment maintenance, an assistant city engineer and a surveyor. The director of public works may also appoint, with the consent and approval of the city manager, such other

employees as may be required from time to time by the department of public works.

(Code 1975, § 2-72)

Sec. 2-128. Report of resignations; assignments for personnel.

The director of public works shall report in writing the resignation of any member of the department of public works, or notice of intended resignation, transmitting such report to the city manager. The director of public works shall have power to detail any member of the department to perform any service, if the good of the department shall demand.

(Code 1975, § 2-73)

Sec. 2-129. Departmental orders.

The director of public works shall have power to promulgate such orders to the department as may be necessary. All important orders shall be given in writing and a record of such orders kept by the director of public works in a book provided especially for that purpose. It shall be the duty of the entire force to render to the director of public works and to his orders unquestioned obedience. All such orders shall be in conformity to the laws and to the rules and regulations prescribed in this division.

(Code 1975, § 2-75)

Sec. 2-130. Supervision of division superintendents.

Superintendents of divisions of the department of public works shall take orders from the director of public works and the city manager, and from them only. Obedience to orders of a superior in rank shall be faithfully observed, and any member of the department offending in this regard will be held strictly accountable, unless such order has been properly countermanded, and no plea of ignorance of the law, rules, rights and duties on the part of the offender will avail to relieve him of the liabilities imposed.

(Code 1975, § 2-76)

Sec. 2-131. Moonlighting by employees.

Members and employees of the department of public works shall devote their whole time and attention to the service of the department, except as provided in this section. During their off-duty hours, they may engage in outside business activities so long as such activities shall in no way impair or affect their efficiency or interfere with the performance of their official departmental duties. When engaged in such outside activities, they shall file with the director of public works a written notice of the character of work engaged in and the place where engaged, and shall make themselves available and be prepared at all times to respond immediately on call if their services are required by the department. It shall be the duty of the director of public works to determine whether such outside activities of any member of the department are impairing or affecting his efficiency or interfering with his official duties, and if so, such member shall be required to discontinue such activity. Members may engage in work for other city departments whenever authorized by the director of public works.

(Code 1975, § 2-77)

Secs. 2-132--2-145. Reserved.

DIVISION 4. DEPARTMENT OF COMMUNITY DEVELOPMENT*

***Cross reference(s)**--Community development, ch. 18.

Sec. 2-146. Created; function.

There is hereby established a department of community development whose function shall be the supervision and coordination of all redevelopment activities relating to projects dealing with the expenditures of the U.S. Department of Housing and Urban Development funds, and redevelopment of areas for community betterment as prescribed by the city commission, including but not limited to, the management of real property outside of development areas.

(Code 1975, § 2-106)

Charter reference(s)--Authority to create departments, ch. V, § 5.

Sec. 2-147. Appointment and responsibilities of director.

The city manager shall appoint a qualified person, subject to the advice and consent of the city commission, as director of the department of community development, who shall be responsible for carrying out the functions of the department and any directive of the city manager in connection therewith.

(Code 1975, § 2-107)

Charter reference(s)--Appointment of director authorized, ch. III, § 2.

Sec. 2-148. Employees.

The director of the department of community development may appoint, with the consent and approval of the city manager, such employees as may be required from time to time by the department.

(Code 1975, § 2-108)

Sec. 2-149. Construction of division.

No provision in this division shall be construed as conflicting with the regular functions of any department of the city heretofore established by ordinance.

(Code 1975, § 2-109)

Secs. 2-150--2-165. Reserved.

DIVISION 5. DEPARTMENT OF AFFIRMATIVE ACTION

Sec. 2-166. Established; functions.

There is hereby established a department of affirmative action, the functions of which shall be inclusive of, but not limited to:

- (1) Receiving of complaints on any discrimination or affirmative action matter and acting on such complaints;
- (2) Reviewing and advising the city of equal employment rules, regulations and legislation;
- (3) Establishing, updating and monitoring a city equal opportunity policy;
- (4) Working with and providing staffing for the equal opportunity commission; and
- (5) Carrying out other matters as assigned by the city manager.

(Code 1975, § 2-191)

Sec. 2-167. Director of affirmative action; appointment, responsibility.

The city manager shall appoint a qualified person to be the director of the department of affirmative action, who shall be responsible for carrying out the functions of the department and any directives of the city manager in connection therewith.

(Code 1975, § 2-192)

Secs. 2-168--2-200. Reserved.

ARTICLE V. CIVIL INFRACTIONS*

***State law reference(s)**--Municipal civil infractions, MCL 600.8701 et seq.

Sec. 2-201. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized city official means a police officer or other personnel of the city authorized by this code or any ordinance to issue municipal civil infraction citations or municipal civil infraction violation notices. The term "authorized city official" shall include the following, in addition to police officers:

- (1) City inspectors and all persons carrying on the inspection function under construction codes enforced in the city from time to time as well as any other codes or ordinances concerning the condition of property such as, but not limited to, the property maintenance code and the dangerous building code, and also including the director of neighborhood and construction services, the city building official or any successor department.
- (2) All personnel designated as zoning and planning enforcement personnel, including but not limited to, the zoning administrator, the director of

planning or the director of community and economic development.

- (3) The fire chief, the fire marshal, and all enforcement personnel who are employees of the fire department.
- (4) Any persons employed to monitor or enforce or administer any park, marina or cemetery ordinances or rules, including park rangers, parks supervisor, parks interns, lifeguards, parks maintenance staff, the cemetery forestry supervisor, cemetery maintenance staff, recreation supervisor, the youth/recreation coordinator, the harbor master, the marina staff, together with the director of the department of leisure services.
- (5) The city clerk and any deputy clerk.
- (6) The director, chief supervisor, safety and services supervisor, special operations supervisor, and resources and recycling coordinator, in the department of public works.
- (7) The city engineer and the permit engineer, in the engineering department.

Bureau means the city municipal ordinance violations bureau as established by this article.

Municipal civil infraction citation means a written complaint or notice prepared by an authorized city official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

Municipal civil infraction violation notice means a written notice prepared by an authorized city official, directing a person to appear at the city municipal ordinance violations bureau and to pay the fine and costs, if any, prescribed for the violation by the schedule of civil fines adopted by the city, as authorized under sections 8396 and 8707(6) of the Revised Judicature Act of 1961 (MCL 600.8396, 600.8707(6)).

(Code 1975, § 25-1)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 2-202. Issuance or service of citations.

The issuance by authorized city officials, service by authorized city officials and contesting of municipal civil infraction citations shall comply with law.

(Code 1975, §§ 25-2, 25-3)

State law reference(s)--Issuance and service of citations, MCL 600.8707; contesting civil infractions, MCL 600.8715 et seq.

Sec. 2-203. Municipal ordinance violations bureau.

- (a) *Bureau established.* The city hereby establishes a municipal ordinance violations bureau ("bureau") as authorized undersection 8396 of the Revised Judicature Act of 1961 (MCL 600.8396) to accept admissions of responsibility of municipal civil infractions in response to municipal civil infraction violation notices issued and served by authorized city officials, and to collect and retain civil fines and costs as prescribed by this Code or any ordinance.

- (b) *Location; supervision; employees; rules and regulations.* The bureau shall be located at Muskegon City Hall, 933 Terrace Street, City of Muskegon, Michigan, and shall be under the supervision and control of the city treasurer. The city treasurer, subject to the approval of the city manager, shall adopt rules and regulations for the operation of the bureau and appoint any necessary qualified city employees to administer the bureau.
- (c) *Disposition of violations.* The bureau may dispose only of municipal civil infraction violations for which a fine has been scheduled and for which a municipal civil infraction violations notice (as compared with a citation) has been issued. The fact that a fine has been scheduled for a particular violation shall not entitle any person to dispose of the violation at the bureau. Nothing in this article shall prevent or restrict the city from issuing a municipal civil infraction citation for any violation or from prosecuting any violation in a court of competent jurisdiction. No person shall be required to dispose of a municipal civil infraction violation at the bureau and may have the violation processed before a court of appropriate jurisdiction. The unwillingness of any person to dispose of any violation at the bureau shall not prejudice the person or in any way diminish the person's rights, privileges and protection accorded by law.
- (d) *Bureau limited to accepting admissions of responsibility.* The scope of the bureau's authority shall be limited to accepting admissions of responsibility for municipal civil infractions and collecting and retaining civil fines and costs as a result of those admissions. The bureau shall not accept payment of a fine from any person who denies having committed the offense or who admits responsibility only with explanation, and in no event shall the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to an alleged violation.
- (e) *Municipal civil infraction violation notices.* Municipal civil infraction violation notices shall be issued and served by authorized city officials under the same circumstances and upon the same persons as provided for citations as provided in this article. In addition to any other information required by this Code or other ordinance, the notice of violation shall indicate the time by which the alleged violator must appear at the bureau, the methods by which an appearance may be made, the address and telephone number of the bureau, the hours during which the bureau is open, the amount of the fine scheduled for the alleged violation, and the consequences for failure to appear and pay the required fine within the required time.
- (f) *Appearance; payment of fines and costs.* An alleged violator receiving a municipal civil infraction violation notice shall appear at the bureau and pay the specified fine and costs at or by the time specified for appearance in the municipal civil infraction violation notice. An appearance may be made by mail, in person, or by representation.
- (g) *Procedure where admission of responsibility not made or fine not paid.* If an authorized city official issues and serves a municipal ordinance violation notice and if an admission of responsibility is not made and the civil fine and costs, if any, prescribed by the schedule of fines for the violation are not paid at the bureau, a municipal civil infraction citation may be filed with the district court and a copy of the citation may be served by first class mail upon the alleged violator at the alleged violator's last known address. The citation filed with the court does

not need to comply in all particulars with the requirements for citations as provided by sections 8705 and 8709 of the Revised Judicature Act of 1961 (MCL 600.8705, 600.8709), but shall consist of a sworn complaint containing the allegations stated in the municipal ordinance violation notice and shall fairly inform the alleged violator how to respond to the citation.

(Code 1975, § 25-5)

State law reference(s)--Ordinance violation notice, MCL 600.8706(6).

Sec. 2-204. Schedule of civil fines established.

- (a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established by this article. The schedule shall be as follows:

TABLE INSET:

Section	Subject	First Offense	First Repeat*	Second Repeat**
6-2	Animals	\$100.00	\$200.00	\$500.00
10-31	Construction codes	100.00	250.00	500.00
10-102	Dangerous buildings	100.00	250.00	500.00
10-131	Demolition of buildings	100.00	250.00	500.00
10-225	Moving of buildings	100.00	250.00	500.00
10-282	Property maintenance code	100.00	250.00	500.00
14-32	Cemeteries	100.00	250.00	500.00
22-35	Defective alarm systems	100.00	250.00	500.00
26-32	Noise	100.00	250.00	500.00
30-101	Fire codes	100.00	250.00	500.00
34-35	Smoking	25.00	50.00	100.00
38-37	Historic districts	25.00	50.00	100.00
42-32	Fair housing	200.00	300.00	500.00
50-2	Business license	100.00	250.00	500.00
54-241	Curfew for underage persons	50.00	100.00	200.00
54-283	Parental responsibility	100.00	250.00	500.00
58-1	Alcoholic beverages in parks or playgrounds	50.00	100.00	200.00
70-3	Solid waste	100.00	250.00	500.00
74-1	Streets, sidewalks and public property	50.00	100.00	200.00
74-116	Street numbers for buildings	25.00	50.00	100.00
78-34	Subdivisions	100.00	250.00	500.00
92-33 (7.18)	Pedestrians remaining in street	25.00	50.00	100.00
92-56	Junk vehicles	100.00	250.00	500.00
94-1	Utilities	100.00	250.00	500.00
98-1	Vegetation	25.00	50.00	100.00
98-38	Noxious weeds	100.00	250.00	500.00
102-1	Vehicles for hire	50.00	100.00	200.00
	Zoning	100.00	250.00	500.00

TABLE INSET:

*	First repeat means a repeat of the offense by the same person or persons in concert within 24 months of the first offense.
**	Second repeat means a repeat of the offense by the same person or persons in concert within 24 months of the first repeat offense.

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- (b) A copy of the schedule, as amended from time to time by ordinance, shall be posted at the bureau.

(Code 1975, § 25-6; Ord. No. 1191, 6-8-1999; Ord. No. 1196, 8-10-1999; Ord. No. 2003, 9-14-1999; Ord. No. 2038, § 12-59, 12-12-2000; Ord. No. 2048, § 3, 8-14-2001)

Secs. 2-205--2-230. Reserved.

ARTICLE VI. FINANCE*

***Charter reference(s)**--Finance, chs. VIII--XI.

Cross reference(s)--Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-11(a)(3); any ordinance authorizing or approving any contract, deed or agreement saved from repeal, § 1-11(a)(4); any ordinance making or approving any appropriation or budget saved from repeal, § 1-11(a)(6); any ordinance levying or imposing any special assessments saved from repeal, § 1-11(a)(10); any ordinance not codified in this Code that levies, imposes or otherwise relates to taxes, exemption from taxes and fees in lieu of taxes saved from repeal, § 1-11(a)(14); taxation, ch. 82.

State law reference(s)--Municipal Finance Act, MCL 131.1 et seq.

DIVISION 1. GENERALLY

Sec. 2-231. Money received for city by officers and employees; payment made to treasury.

All funds collected or received for the city from fines, fees, penalties or from other sources, by any officer or employee, under the authority of the provisions of the Charter or any rule, regulation or ordinance in force in the city or fixed or prescribed by any state law, shall be paid by such officer or employee promptly into the city treasury.

(Code 1975, § 2-2)

Sec. 2-232. Charges for collection of debts, civil fines, expenses and costs of the city in connection with property and ordinance violations involving property.

In connection with the enforcement of several ordinances, the city experiences extraordinary costs for the collection of fines, costs and expenses which the city incurs or which are due to the city as a result of violations of this Code or the existence of nuisances, including, without limitation, the failure to maintain properties, the allowance of noxious weeds, damage to public and private property and violations or maintenance of nuisances involving the use or occupancy of properties. The amounts due arise from civil infraction violations, fines, costs and sanctions, expenses incurred by the city to remedy conditions on properties which violate ordinances or constitute nuisances, and court orders. The city incurs costs in the process of placing liens on property, including without limitation placing amounts due on the tax roll. The city has determined its

administrative costs (in addition to out of pocket costs) in pursuing collection of such amounts by liens and tax collection. Based upon investigation by the city, the following charges shall be made against persons or property:

- (1) *Amount and levy of service charge; lien on property.* In all cases where a lien is authorized against property as a result of a violation of the Code of Ordinances, the existence of a nuisance, or a finding by a court and an entry of a written order or judgment, including a fine, sanction, costs (including out of pocket costs and any costs ordered by a court) or the expense of city remedial action or work on a property, or the remedying of a nuisance on a property by the city, a service charge shall be made and levied in the amount of \$25.00 or 20 percent of the entire amounts due, not to exceed \$100.00, whichever is greater. The charge shall be included in the amount set forth in the lien on the property and in the amount added to the property tax roll concerning the property.
- (2) *Avoidance of service charge by prompt payment, no duplication of service charge.* No such service charge shall be made in the event an amount due is voluntarily paid within 30 days after written notice is sent by first class mail to any person liable therefor at the last known address of such person; or, in the absence of mailing, within 30 days of the date that a notice of the amount due is posted on the property involved. In the event both a lien on property and personal collection efforts are utilized by the city, the service charge shall be added only once.
- (3) *Service charge not applicable to special assessment districts or special assessments for public improvements by consent.* In the case of special assessments in assessment districts or special assessments by consent or contract, and provided such assessments do not arise from a court order, a violation of ordinance, a nuisance, or the remedies therefor, the service charge shall not apply.
- (4) *Certificates of compliance or occupancy.* In the case of property to which any such unpaid amount is applicable, no certificate of compliance or occupancy for the property shall be issued by the city until the judgment, amount due or lien is satisfied by payment of the total amounts due including the service charge authorized by this article.

(Code 1975, § 1-10)

Secs. 2-233--2-250. Reserved.

DIVISION 2. PURCHASING AND SALES*

***Charter reference(s)**--Purchasing agent, ch. V, § 13.

Sec. 2-251. Appointment and general duties of purchasing agent.

The city manager, or designated subordinates acting on behalf of the city manager, shall make all purchases of supplies, materials and personal property for the city and shall also conduct all sales of personal property which the city commission may

authorize to be sold.

(Code 1975, § 2-17)

Sec. 2-252. Requisition and purchase orders.

- (a) All purchases of supplies, materials and personal property shall be made pursuant to the provisions of this division and procedures approved by the city commission.
- (b) Any requisition for the purchase of supplies, materials or personal property exceeding \$4,000.00 shall require the prior approval of the city commission.
- (c) Following approval of a requisition and prior to any purchase of \$500.00 or more, opportunity for competition shall be given in accordance with procedures approved by the city commission.
- (d) All purchase orders must obtain the approval of the city manager in accordance with procedures approved by the city commission.
- (e) Blanket purchase orders may be utilized in accordance with procedures approved by the city commission.
- (f) If, in the sole discretion of the city manager, immediate procurement action is required to prevent delays of city services that may adversely affect the life, health or safety of the public or the security of city-owned assets, emergency purchase may be made by the city manager in accordance with procedures approved by the city commission.

(Code 1975, § 2-18)

Charter reference(s)--Authority of city commission to prescribe regulations governing purchases and sales, ch. V, § 13.

Sec. 2-253. Payment and accounting.

Following delivery to the city of supplies, materials or personal property purchased in accordance with the provisions of this division, and after determining compliance with the purchase order as to price, quality and quantity, the city manager shall authorize payment of the purchase order and forward such purchase order to the director of finance for payment.

(Code 1975, § 2-19)

Sec. 2-254. Purchasing procedures.

The city manager shall prepare and submit to the city commission for approval any necessary written procedures to implement the provisions of this article.

(Code 1975, § 2-20)

Sec. 2-255. Recovery of overhead and indirect costs.

In all contracts made between the city and persons, corporations, entities or governmental units, whereby the city or its personnel acting under the authority of the

city, perform services for such third parties, there shall be charged, in addition to charges for labor or personnel costs, materials, use of equipment and any other direct costs, an indirect cost charge not less than 15 percent of the charges. The indirect cost charge shall be used to compensate the city for indirect cost not reflected in the direct charge for services. The percentage amount is found by the city commission based upon the records, experience and findings of the city, to equal the indirect costs incurred by the city when performing such services. Contracts and memoranda shall be prepared in connection with all such agreements and performances of service reflecting the inclusion of the indirect percentage costs in or with the charges made by the city in each instance.

(Code 1975, § 2-21)

Sec. 2-256. Board of review.

- (a) Pursuant to the authority granted by section 28 of the General Property Tax Act, (MCL 211.28), the board of review for the city beginning with all meetings in 1993 shall consist of six members, to be appointed by the city commission.
- (b) The assessor and chief deputy assessor shall act as the secretary and clerk, respectively, of the board of review and shall not be voting members of such board of review.
- (c) This provision for the composition and membership of the board of review is by this section made in place of the provisions of the city Charter. In all other respects the provisions of the city Charter and the state general tax laws shall determine the procedures and functions of the board of review.

(Code 1975, § 2-22)

Secs. 2-257--2-280. Reserved.

ARTICLE VII. BOARDS AND COMMISSIONS*

***Cross reference(s)**--Building board of appeals, § 10-84; housing board of appeals, § 10-371; cemetery committee, § 14-81 et seq.; downtown development authority, § 18-31 et seq.; historic district commission, § 38-56 et seq.; board of leisure services, § 58-61 et seq.; board of trustees for general employee retirement system, § 62-56 et seq.; board of trustees for police-fire retirement system, § 62-261 et seq.; planning commission, § 66-31 et seq.

DIVISION 1. GENERALLY

Secs. 2-281--2-295. Reserved.

DIVISION 2. LOCAL OFFICER'S COMPENSATION COMMISSION*

***State law reference(s)**--Local officer's compensation commission, MCL 117.5c.

Sec. 2-296. Definition.

As used in this article, the term "commission" shall mean the local officers' compensation commission created by section 2-297, unless clearly indicated to the contrary.

(Code 1975, § 2-170)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 2-297. Created; composition; appointment and terms of members.

A local officers' compensation commission is hereby created for the city. The commission shall consist of seven members who are registered electors of the city, appointed by the mayor, subject to confirmation by a majority of the members elected and serving on the city commission. The term of office shall be seven years (the terms having been staggered at the time of the original appointment by law). Members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term.

(Code 1975, § 2-171)

State law reference(s)--Similar provisions, MCL 117.5c(a).

Sec. 2-298. Certain persons not eligible for membership.

No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the commission.

(Code 1975, § 2-172)

State law reference(s)--Similar provisions, MCL 117.5c(a).

Sec. 2-299. Compensation of members.

The members of the commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

(Code 1975, § 2-173)

State law reference(s)--Similar provisions, MCL 117.5c(c).

Sec. 2-300. Election of chairman.

The commission shall elect a chairman from among its members.

(Code 1975, § 2-174)

State law reference(s)--Similar provisions, MCL 117.5c(c).

Sec. 2-301. Quorum.

A majority of the members of the commission constitute a quorum for conducting the business of the commission. The commission shall take no action or make

determinations without a concurrence of a majority of the members appointed and serving on the commission.

(Code 1975, § 2-175)

State law reference(s)--Similar provisions, MCL 117.5c(c).

Sec. 2-302. Determination of salaries of elected officials.

- (a) The commission shall determine the salaries of all local elected officials. The commission shall meet, for not more than 15 session days, in every odd-numbered year and shall make its determination within 45 calendar days of its first meeting.
- (b) The term "session days," as used in this section, means any calendar days on which the commission meets and a quorum is present.

(Code 1975, § 2-176)

State law reference(s)--Similar provisions, MCL 117.5c(b), (c).

Sec. 2-303. When salary determinations effective; rejection of determinations by city commission; payments to officials in addition to salaries.

- (a) The determinations of salaries by the commission, as provided for in section 2-302 shall constitute such salaries and shall be effective 30 days following their filing with the city clerk, unless the city commission, by resolution adopted by two-thirds of the members elected to and serving on the city commission, rejects such salaries. In case of rejection, the existing salaries shall prevail.
- (b) Any expense, allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city.

(Code 1975, § 2-177)

State law reference(s)--Similar provisions, MCL 117.5c(c).

Sec. 2-304. Meetings; public notice.

The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with Public Act No. 267 of 1976, (MCL 15.261 et seq.). Public notice of the time, date, and place of the meeting of the commission shall be given in the manner required by such act.

State law reference(s)--Similar provisions, MCL 117.5c(d).

Sec. 2-305. Public availability of records.

A writing prepared, owned, used, in the possession of, or retained by the commission in the performance of an official function shall be made available to the public in compliance with Public Act No. 442 of 1976 (MCL 15.231 et seq.).

State law reference(s)--Similar provisions, MCL 117.5c(e).

Secs. 2-306--2-320. Reserved.

DIVISION 3. HOUSING COMMISSION*

***State law reference(s)**--Housing commission, MCL 125.653 et seq.

Sec. 2-321. Created.

A commission is hereby created in and for the city, to be known as the "Muskegon Housing Commission."

(Code 1975, § 2-157)

State law reference(s)--Authority to create housing commission, MCL 165.653(a).

Sec. 2-322. Appointment of members.

The city manager, with the consent and approval of the city commission, is hereby directed to appoint the members of the housing commission. Members of the housing commission shall be appointed as provided by law.

(Code 1975, § 2-158)

State law reference(s)--Composition of housing commission and appointment of members, MCL 125.654.

Sec. 2-323. Authority to act as borrower.

The housing commission is hereby granted authority pursuant to section 1(a)(ii) of Public Act No. 18 of 1933 (ex. sess.) (MCL 125.651(a)(ii)) to act as a borrower for purposes of issuing bonds or notes pursuant to Public Act No. 18 of 1933 (ex. sess.) (MCL 125.651 et seq.). To the extent of any such borrowing, the housing commission shall indemnify and hold harmless the city from any claims or expenses incurred in association with such borrowing.

(Ord. No. 2027, § 2-159, 8-1-2000)

Sec. 2-324. Ownership of property.

The housing commission is hereby granted authority to acquire and dispose of real property, pursuant to section 11(1) of Public Act No. 18 of 1933 (ex. sess.) (MCL 125.661(1)).

(Ord. No. 2027, § 2-160, 8-1-2000)

Sec. 2-325. Payment of annual service fee in lieu of taxes.

- (a) Pursuant to section 11a(1) of Public Act No. 18 of 1933 (ex. sess.) (MCL 125.661a(1)), the housing commission shall beginning in 2000, being the 1999 tax year, pay on or before March 31 of that year, and on or before the same date annually, a service fee in lieu of taxes equal to ten percent of the annual shelter rents obtained from the projects and facilities owned and operated by it or owned

and operated by qualified entities. The term "qualified entities" includes any person or entity owning or operating a facility or property on behalf of or in concert with the housing commission. The term "qualified entities" includes, without limitation, the entity known as the Family Investment Center Limited Dividend Housing Association Limited Partnership.

- (b) In accordance with the statute, the housing commission is responsible for paying the service charge in lieu of taxes for all facilities whether owned or operated by a qualified entity or owned or operated by the housing commission itself.
- (c) No later than 30 days after the close of each calendar year, the housing commission shall provide to the city an accounting showing the gross annual shelter rents received during the previous year from its projects or facilities. The housing commission shall provide all information in connection with such accounting as may reasonably be requested by the city for the purpose of verifying the amount of annual shelter rents and the resulting payment of the service fee in lieu of taxes to be paid.

(Ord. No. 2028, §§ 1--3, 8-1-2000)